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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/913,586	01/25/2002	Toshihiro Morita	275735US6PCT	4193

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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.  
1940 DUKE STREET  
ALEXANDRIA, VA 22314

EXAMINER
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NGUYEN, THUONG

ART UNIT	PAPER NUMBER
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2455

NOTIFICATION DATE	DELIVERY MODE
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08/26/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 09/913,586	<b>Applicant(s)</b> MORITA ET AL.	
	<b>Examiner</b> Thuong T. Nguyen	<b>Art Unit</b> 2455	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 43-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 43-49 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/9/09</u> .  | 6) <input type="checkbox"/> Other: _____                          |

***DETAILED ACTION***

1. This communication is responsive to application 09/913,586 the amendment filed on 6/18/09. Claims 43-49 are presented for examination.

***Priority***

2. Acknowledgment is made to claim priority under 35 U.S.C. 119 for the benefit of the earlier filing date with respect to Japan Patent Application No.11-358409 filed 12/17/1999. A certified copy of the application has been received and placed in file.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 43-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson Pub. No. 2009/0030978 A1 in view of Hampson, U.S. Patent. No.6,453,371 B1.

5. As to claim 43, Johnson teaches an information processing apparatus, comprising:

a detecting unit which is configured to detect that a portable device having content stored therein is connected to the information processing apparatus (page 3,

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paragraph 35-36; i.e., identifying a content associating between the mobile-content server and mobile devices);

a control unit configured to activate a program automatically, and said control unit perform display control and content data management of said information processing apparatus based on said program (page 12, paragraph 94, 97 & 99; i.e., automatically generate entries in the response file to indicate the time, duration and initiate the download of the information) ;

a reading unit configured to read the content data from the portable e 4, paragraph 41; page 5, paragraph 43; i.e., identifying a segments of the playback program or active content segment); and

wherein based on the program said control unit generates a package containing identified content based on the content data (page 3, paragraph 36; page 4, paragraph 38 & 41; i.e., generating a package of the content playlist).

But Johnson failed to teach the claim limitation wherein the detecting unit detects connection of the portable device.

However, Hampson teaches the limitation wherein the detecting unit detects connection of the portable device (figure 3E; col 2, lines 10-50; col 3, lines 50-55; i.e., determined whether or not the signal is from a physical accessory such as portable computer).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Johnson in view of Hampson so that the system would be able to inform the user of which port is being used. One would be motivated to do so to

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minimize user input while assuring that the data is reliably and predictably exchanged between the portable computers (see Hampson, col 2, lines 1-10).

6. As to claim 44, Johnson teaches the information processor as recited in claim 43, wherein a display control unit configured to control display of titles of the content belonging to the package generated when the package is selected (page 2, paragraph 27; page 3, paragraph 28; page 7, paragraph 58; page 10, paragraph 78; i.e., represents a segment of information such as song title, headline, events).

7. Claim 49 is rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson Pub. No. 2009/0030978 A1 in view of Hampson, U.S. Patent. No.6,453,371 B1, and further in view of Seidensticker, Patent No. 5,802,664.

8. As to claim 49, Johnson and Hampson teach the computer-readable storage medium as recited in claim 47. But Johnson and Hampson failed to teach the claim limitation wherein the program is configured to perform the display control by displaying a dialog box within a display configured to be read by a user, and the dialog box is in a form of illuminated pixels.

However, Seidensticker teaches the limitation wherein the program is configured to perform the display control by displaying a dialog box within a display configured to be read by a user, and the dialog box is in a form of illuminated pixels (col 2, lines 10-35; col 4, lines 25-45; col 5, lines 45-65; i.e., displaying the text in illuminated pixels).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination of Johnson and Hampson in view of Seidensticker so that the system would be able to display the form in illuminated simultaneously. One would be motivated to do so to the system would be able to transmit data to a portable information device that does not employ the optical transmission scheme (See Seidensticker, col 2, lines 44-48) .

### ***Response to Arguments***

Applicant's arguments with respect to claims 43, 45 & 47 have been considered but are moot in view of the new ground(s) of rejection. Applicant's arguments include the failure of previously applied art to expressly disclose "a control unit configured to activate a program automatically when the detecting unit detects connection of the portable device, and said control unit perform display control and content data management of said information processing apparatus based on said program" (see Applicant's response, 6/18/09, page 7, paragraph 3). It is evident from the detailed mappings found in the above rejection(s) that Johnson and Hampson disclosed this functionality (see Johnson, page 12, paragraph 94, 97 & 99) and (see Hampson, figure 3E; col 2, lines 10-50; col 3, lines 50-55). Further, it is clear from the numerous teachings (previously and currently cited) that the provision for "a control unit configured to activate a program automatically when the detecting unit detects connection of the portable device, and said control unit perform display control and content data management of said

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information processing apparatus based on said program” was widely implemented in the networking art. Thus, Applicant’s arguments drawn toward distinction of the claimed invention and the prior art teachings on this point are not considered persuasive.

### ***Conclusion***

The following prior art is made of record and not relied upon that is considered pertinent to applicant's disclosure:

- Hunter et al. (U.S. Pat. No. 6,784,925 B1) discloses selected and dragged to the icon representing the storage device in order to copy any sound files associated with the display.
- Nishigaki et al. (U.S. Pat. No. 5,377,357) discloses determined that the expansion unit is connected, and message indicating that the expansion is connected is display.
- Motoyanagi et al. (U.S. Pat. No. 5,200,991) discloses cordless telephone device is connected with a facsimile device.
- Hocker et al. (U.S. Pat. No. 5,923,757) discloses automatically establishing wireless connection between the portable device and the second device.

### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuong T. Nguyen whose telephone number is

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(571)272-3864, and the fax number is 571-273-3864. The examiner can normally be reached on 9:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Thuong T Nguyen/  
Examiner, Art Unit 2455